#### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Surender KHARBANDA Donald W. KUFE

Serial No.: 10/577,003

Filed: December 13, 2006

For: MODULATION OF INTERACTION OF

MUC1 WITH MUC1 LIGANDS

Group Art Unit: 1643

Examiner: Anne Gussow

Attv. Dkt. No.: 1643

Confirmation No.: 1914

CERTIFICATE OF ELECTRONIC TRANSMISSION 37 C.F.R. § 1.8

I hereby certify that this correspondence is being electronically filed with the United States Patent and Trademark Office via EFS-Web on the date below:

November 13, 2009 Monica A. De La Paz

# RESPONSE TO NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450

Sir:

This paper is submitted in response to the Office Communication dated October 21, 2009, setting forth a Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures, for which a response is due Novemer 21, 2009.

Amendments to the Specification begin on page 2.

Remarks begin on page 3.

# AMENDMENT

# AMENDMENTS TO THE SPECIFICATION:

Please delete the Sequence Listing and insert therefor the substitute Sequence Listing submitted as text concurrently herewith through EFS-Web.

REMARKS

The specification has been amended to comply with the attached Notice to Comply with

Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid

Sequence Disclosures dated October 21, 2009. No new matter is added by entry of this

amendment.

It is believed that no fee is due with this communication, however, should any fees under

37 C.F.R. §§ 1.16 to 1.21 be required for any reason relating to the enclosed document, the

Commissioner is authorized to deduct or credit said fees from or to Fulbright & Jaworski Deposit

Account No. 50-1212/GENU:005US.

The Examiner is invited to contact the undersigned attorney with any questions,

comments or suggestions relating to the referenced patent application.

Respectfully submitted,

Monica A. De La Paz

Reg. No. 54,662 Attorney for Applicants

600 Congress Avenue, Suite 2400 Austin, Texas 78701

(512) 474-5201

Date: November 13, 2009

FULBRIGHT & JAWORSKI L.L.P.



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address COMMISSIONER FOR PATENTS P.O. Box 1459 Alexandria, Virginia 22313-1450 www.aspo.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/577,003	12/13/2006	Surender Kharbanda	GENU:005US/10605111	1914
	7590 10/21/2009 & JAWORSKI L.L.P.		EXAM	INER
600 CONGRES			GUSSOW	, ANNE
SUITE 2400 AUSTIN, TX 7	12701		ART UNIT	PAPER NUMBER
AOSIE, IX	0701		1643	
			MAIL DATE	DELIVERY MODE
			10/21/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



# UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS UNITED STATES PATENT AND TRADEMARK OFFICE WASHINGTON, DC 2023

APPLICATION NO. /CONTROL NO. FILING DATE FIRST NAMED INVENTOR / PATENT IN REEXAMINATION ATTORNEY DOCKET NO. GENU:005US/106051 12/13/2006 KHARBANDA ET AL. 10577003 11

> EXAMINER ANNE M. GUSSOW

ART UNIT PAPER 20091020 1643

#### DATE MAILED

Please find below and/or attached an Office communication concerning this application or proceeding.

#### Commissioner of Patents

This application contains sequence disclosures that are encompassed by the definitions for nucleotide and/or amino acid sequences set forth in 37 C.F.R. § 1.821(a)(1) and (a)(2). However, this application fails to comply with the requirements of 37 C.F.R. §§ 1.821-1.825 for the reason(s) set forth on the attached Notice To Comply With Requirements For Patent Applications Containing Nucleotide Sequence And/Or Amino Acid Sequence Disclosures. Applicant must comply with the requirements of the sequence rules (37 CFR 1.821 - 1.825) before the application can be examined under 35 U.S.C. §§ 131 and 132.

APPLICANT IS GIVEN ONE MONTH FROM THE DATE OF THIS LETTER WITHIN WHICH TO COMPLY WITH THE SEQUENCE RULES, 37 C.F.R.. §§ 1.821-1.825. Failure to comply with these requirements will result in ABANDONMENT of the application under 37 C.F.R. § 1.821(g). Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 C.F.R. § 1.136. In no case may an applicant extend the period for response beyond the six month statutory period. Direct the response to the undersigned. Applicant is requested to return a copy of the attached Notice to Comply with the response.

The addresses below are effective 5 June 2004. Please direct all replies to the United States Patent and Trademark Office via one (1) of the following:

- Electronically submitted through EFS-Web (<a href="http://www.uspto.gov/ebc/efs/downloads/documents.htm">http://www.uspto.gov/ebc/efs/downloads/documents.htm</a>, EFS Submission User Manual - ePAVE)
- Mailed to:

Mail Stop Sequence Commissioner for Patents P.O. Box 22313 1450 Alexandria, VA 22313 1450

3. Hand Carry, Federal Express, United Parcel Service or other delivery service to:

U.S. Patent and Trademark Office

Mail Stop Sequence Customer Window Randolph Building 401 Dulanev Street Alexandria, VA 22314

Any inquiry concerning this communication should be directed to Anne M. Gussow at telephone number (571)272-6047. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Larry Helms, can be reached on (571)272-0832.

/Anne M Gussow/ Examiner, Art Unit 1643

# **Notice to Comply**

Application No.	Applicant(s)
10577003	KHARBANDA ET AL.
Examiner	Art Unit
ANNE M. GUSSOW	1643

# NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

Applicant must file the items indicated below within the time period set the Office action to which the Notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR

to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).								
The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):								
1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).								
2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).								
3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).								
4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."								
5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).								
6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).								
☐ 7. Other:								
Applicant Must Provide:  ☑ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".								
An initial or substitute paper copy of the "Sequence Listing", as well as an amendment specifically directing its entry into the application.								
A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).								
For questions regarding compliance to these requirements, please contact:								
For Rules Interpretation, call (571) 272-0731 or (571) 272-0951 For CRF Submission Help, call (571) 272-2510 PatentIn Software Program Support Technical Assistance.1-866-217-9197 or 703-305-3028 or 571-272-6845								
Patentin Software is Available At www.USPTO.gov								
PLEASE RETURN A COPY OF THIS NOTICE WITH YOUR REPLY								
/Anne M Gussow/ Examiner, Art Unit 1643								

```
_____
Sequence Listing could not be accepted.
If you need help call the Patent Electronic Business Center at (866)
217-9197 (toll free).
Reviewer: markspencer
Timestamp: [year=2009; month=7; day=16; hr=13; min=14; sec=47; ms=224; ]
**************
Reviewer Comments:
1.
             Undefined organism found in <213> in SEQ ID (33)
W402
             Undefined organism found in <213> in SEQ ID (34)
W402
W402
             Undefined organism found in <213> in SEQ ID (35)
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W402
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\* \* \* \* \* \* \* \* \*

For SEQ ID # 33 through 44, numeric identifier <213> can only be one of three choices, "Scientific name, i.e. Genus/species, Unknown or Artificial Sequence." For all sequences using "Unknown" or "Artificial sequence", for numeric identifier <213>, a mandatory feature is required to explain the source of the genetic material. The feature consists of <220>, which remains blank and, <223>, which states the source of the genetic material. To explain the source, if the sequence is put together from several organisms, please list those organisms. If the sequence is

made in the laboratory, please indicate that the sequence is synthesized. Please make all necessary changes.

2.										
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W213	Artificial or	Unknown	found	in	<213>	in	SEQ	ID	(64)	This
error has occur	ed more than 20	times,	will r	not	be dis	sp1a	ayed			

The warnings shown above are ok and require no response.

#### Validated By CRFValidator v 1.0.3

Application No:

213

10577003

Version No:

2.0

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Output Set:

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Total Warnings: 38

Total Errors: 0

No. of SeqIDs Defined: 72

Actual SeqID Count: 72

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## Input Set:

# Output Set:

Started: 2009-06-23 16:31:45.971 Finished: 2009-06-23 16:31:49.350

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Total Warnings: 38
Total Errors: 0

No. of SeqIDs Defined: 72
Actual SeqID Count: 72

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W	213	Artificial or Unknown found in <213> in SEQ ID (62)
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50 55 60
Ile Tyr Lys Gln Gly Gly Phe Leu Gly Leu Ser Asn Ile Lys Phe Arg 65 70 75 80
65 70 75 80
and the real real real real real real real rea
Pro Gly Ser Val Val Val Gln Leu Thr Leu Ala Phe Arg Glu Gly Thr 85 90 95
85 90 95
Ile Asn Val His Asp Val Glu Thr Gln Phe Asn Gln Tyr Lys Thr Glu
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